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Student and teacher: Use this cover sheet for mailing or faxing.

# ASSIGNMENT BOOKLET B

LGS 3040

Legal Studies 3040: Section 3 Assignment

## FOR STUDENT USE ONLY

Date Assignment Submitted:

\_\_\_\_\_

Time Spent on Assignment:

\_\_\_\_\_

(If label is missing or incorrect)

Student File Number:

\_\_\_\_\_

Course: \_\_\_\_\_

## FOR OFFICE USE ONLY

Assigned

Teacher: \_\_\_\_\_

Assignment

Grading: \_\_\_\_\_

Graded by: \_\_\_\_\_

Date Assignment Received:

## Student's Questions and Comments

Apply Course Label Here

Name

Address

Postal Code

Please verify that preprinted  
label is for correct course.

## Teacher's Comments

Teacher

## INSTRUCTIONS FOR SUBMITTING THIS DISTANCE LEARNING ASSIGNMENT BOOKLET

When you are registered for distance learning courses, you are expected to regularly submit completed assignments for correction. Try to submit each Assignment Booklet as soon as you complete it. Do not submit more than one Assignment Booklet in one subject at the same time. Before submitting your Assignment Booklet, please check the following:

- Are all the assignments completed? If not, explain why.
- Has your work been reread to ensure accuracy in spelling and details?
- Is the booklet cover filled out and the correct module label attached?

### MAILING

1. Do **not** enclose letters with your Assignment Booklets. **Send all letters in a separate envelope.**
2. Put your Assignment Booklet in an envelope and take it to the post office and have it weighed. Attach **sufficient postage** and seal the envelope.

### FAXING

1. Assignment Booklets may be faxed to the school with which you are registered. Contact your teacher for the appropriate fax number.
2. All faxing costs are the responsibility of the sender.

### E-MAILING

It may be possible to e-mail your completed Assignment Booklet to the school with which you are registered. You also may be **required** to e-mail some of your assignments. Contact your teacher for the appropriate e-mail address.



# LEGAL Studies

## 3040

Negligence

**ASSIGNMENT BOOKLET B**



Learning  
Technologies  
Branch

**Alberta**  
EDUCATION



## FOR TEACHER'S USE ONLY

### Summary

	Total Possible Marks	Your Mark
Section 3 Assignment	37	
	37	

### Teacher's Comments

Legal Studies 3040  
Negligence  
Assignment Booklet B  
Section 3 Assignment  
Learning Technologies Branch  
ISBN 0-7741-2751-1

Cover Art: *main image* Photodisc/Getty Images

This document is intended for	
Students	✓
Teachers	✓
Administrators	
Home Instructors	
General Public	
Other	



You may find the following Internet sites useful:

- Alberta Education, <http://www.education.gov.ab.ca>
- Learning Technologies Branch, <http://www.education.gov.ab.ca/lrb>
- Learning Resources Centre, <http://www.lrc.education.gov.ab.ca>

Exploring the electronic information superhighway can be educational and entertaining. However, be aware that these computer networks are not censored. Students may unintentionally or purposely find articles on the Internet that may be offensive or inappropriate. As well, the sources of information are not always cited and the content may not be accurate. Therefore, students may wish to confirm facts with a second source.

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**ASSIGNMENT BOOKLET B**  
**LEGAL STUDIES 3040: NEGLIGENCE**  
**SECTION 3 ASSIGNMENT**

This Assignment Booklet is worth 37 marks out of the total 100 marks for the assignments. The value of each assignment and each question is stated in the left margin.

Read all parts of your assignment carefully and record your answers in the appropriate places. If you have difficulty with an assignment, go back to your Student Module Booklet and review the appropriate lesson. Be sure to proofread your answers carefully before submitting your Assignment Booklet.

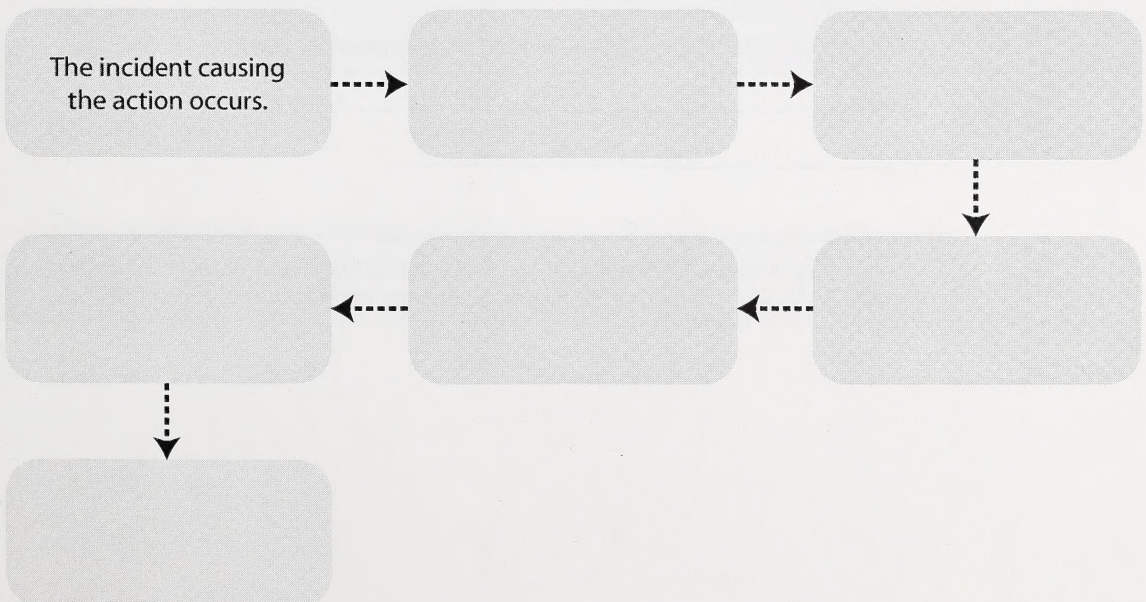
When responding to the questions in this booklet, you are encouraged to use a computer and word-processing application wherever reasonably possible. If you use a computer, be sure that you submit a printed copy that has been carefully proofread. Include your name, course name, and assignment question number on each page. Alternatively, you may be able to arrange with your teacher to submit your written assignments by e-mail.

37

**Section 3 Assignment: Procedures, Issues, and Careers**

1. What follows is a partially completed diagram illustrating the major processes involved in taking a civil action to the Court of Queen's Bench. Write the following sentences in the boxes where they belong to correctly complete the diagram:

- The appeal takes place.
- The court's decision is enforced.
- The trial is held.
- The statement of claim is issued and served.
- The examination for discovery is held.
- The statement of defence is issued and served.





④

2. Complete the following statements by correctly filling in the missing words or phrases.

a. The plaintiff and defendant in a legal action are collectively known as

\_\_\_\_\_.

b. In Alberta, Small Claims Court is known as the

\_\_\_\_\_.

c. A defendant in a case in Alberta's Provincial Court, Civil Division, files a

\_\_\_\_\_ in response to a civil claim if he or she intends to contest the matter.

d. In actions in Small Claims Courts, both plaintiff and defendant are usually

represented by \_\_\_\_\_, except in the case of minors, who must be represented by \_\_\_\_\_.

e. A statement of claim, a statement of defence, a counterclaim, and so on can be

collectively referred to as \_\_\_\_\_.

f. In Alberta's Court of Queen's Bench, a defendant can be tried

by a \_\_\_\_\_ or by a

\_\_\_\_\_.

When you've finished answering the preceding questions, return to page 79 of the LGS 3040 Student Module Booklet and continue working where you left off.

3. The incident described in what follows resulted in a Small Claims Court legal action. Read the details of the event; then fill in **both** the Civil Claim and Dispute Note forms that follow it.

Oksana Bauer of 123456–78 Avenue, Edmonton, AB T1A 2B3 (telephone number 780-555-4444) was out with a friend and walking her dog Waldo on November 4 of the current year along the sidewalk at 111 Street and 51 Avenue near Southgate Shopping Centre. Justin Jakubec of 22334–111 Street, Edmonton, AB T3C 4D5 (telephone number 780-555-3333) was in-line skating down the sidewalk. Here are their versions of what happened.

#### **Oksana's Story**

"Justin, along with his friend Constantine Papadopoulos, was skating along the sidewalk while swinging a baseball bat. As he passed, he negligently struck Waldo with the bat. The result was a visit to the vet and a bill of \$450 for treatment and medication. My friend Christa McNab saw everything."

Oksana files her claim on December 9 of the current year.

#### **Justin's Story**

"I was skating carefully on the sidewalk. I'd stopped to let Oksana, Christa, and the dog go past when the dog jumped at me and I thought it was going to bite me. I instinctively struck it with my bat to protect myself. My friend Constantine saw everything."

Justin filed his dispute note on December 12 of the current year.



2

a.



Between:

**In The Civil Division of  
The Provincial Court of Alberta**

Docket No. \_\_\_\_\_

Plaintiff

and

Defendant

**Civil Claim**

**The Plaintiff Claims** from the Defendant \$ \_\_\_\_\_ and costs of this action.

The Claim arose at \_\_\_\_\_, Alberta on or about the \_\_\_\_\_ day of \_\_\_\_\_.

**The reasons for this Claim are:**

**The Plaintiff's Mailing Address is:**  
Street Address \_\_\_\_\_

City \_\_\_\_\_

Province \_\_\_\_\_

Postal Code \_\_\_\_\_

Res. Phone \_\_\_\_\_

Bus. Phone \_\_\_\_\_

**The Defendant's Mailing Address is:**  
Street Address \_\_\_\_\_

City \_\_\_\_\_

Province \_\_\_\_\_

Postal Code \_\_\_\_\_

Res. Phone \_\_\_\_\_

Bus. Phone \_\_\_\_\_

**The Defendant's Mailing Address is:**  
Street Address \_\_\_\_\_

City \_\_\_\_\_

Province \_\_\_\_\_

Postal Code \_\_\_\_\_

Res. Phone \_\_\_\_\_

Bus. Phone \_\_\_\_\_

**Dated this**

\_\_\_\_\_ day of \_\_\_\_\_,

at \_\_\_\_\_, Alberta.

Signature of Plaintiff/Agent/ Solicitor \_\_\_\_\_

Print Name \_\_\_\_\_

I will be calling \_\_\_\_\_ witnesses.

Issued by The Provincial Court of Alberta

this \_\_\_\_\_ day of \_\_\_\_\_,

The Court's Address is:

\_\_\_\_\_  
Clerk of the Provincial Court

**Default Judgment/Noting in Default**

**The Defendant** \_\_\_\_\_

having been served with a Civil Claim and  
not having filed a Dispute Note and the  
time for doing so having expired.

☐ the Defendant named above is noted in default.

☐ Judgment is entered in favor of the Plaintiff for \$ \_\_\_\_\_

interest of \$ \_\_\_\_\_

and costs of \$ \_\_\_\_\_

for a total judgment of \$ \_\_\_\_\_

Entered this \_\_\_\_\_ day of \_\_\_\_\_,

a.m.

at \_\_\_\_\_ p.m. at \_\_\_\_\_, Alberta.

\_\_\_\_\_  
Clerk of the Provincial Court

<sup>1</sup> Alberta Justice, *Civil Claim* (Edmonton: Department of Justice, Government of Alberta, April 1996). Reproduced by permission.



2

b.



Between:

**In The Civil Division of  
The Provincial Court of Alberta**

Docket No. 

Plaintiff

and

Defendant

**Dispute Note**

1. I dispute the Plaintiff's Claim for the following reasons:

2. I Counterclaim or Claim a set-off for \$ \_\_\_\_\_, for the following reasons:

**My Mailing Address is:**

Street Address

City

Province

Postal Code

Res. Phone

Bus. Phone

**Dated this**

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

I will be calling \_\_\_\_\_ witnesses at the time of this matter.  
number of

at \_\_\_\_\_, Alberta.

\_\_\_\_\_  
Signature of Defendant/Agent/ Solicitor\_\_\_\_\_  
Print Name

**Instruction to the Defendant**

\* *If you do not have a legitimate reason for disputing a claim, filing a Dispute Note may result in increased costs to you.*

1. In paragraph 1, state clearly the reasons you are disputing the Plaintiff's Claim. If the Plaintiff's Claim is disputed in part only, state which part is disputed.
2. In paragraph 2, if you are claiming an amount from the plaintiff, clearly state the amount you are claiming and the reasons.
3. In paragraph 3, give an address at which documents may be sent to you.
4. Deliver the completed Dispute Note in person or by mail to the Court address shown on the front of the Civil Claim.
5. **Please do not send any additional material with your Dispute Note (i.e. books, paper, etc).**
6. After you have filed the Dispute Note, you will be notified in writing by the Court of the time, date, and place of the hearing. Bring your additional material to court for your hearing.

For office use only

Received at \_\_\_\_\_ a.m.  
p.m.

**It is your responsibility to notify the Court of any change of address.**

<sup>1</sup> Alberta Justice, *Dispute Note* (Edmonton: Department of Justice, Government of Alberta, April 1994). Reproduced by permission.

When you've finished answering the preceding question, return to page 85 of the LGS 3040 Student Module Booklet and continue working where you left off.

4. In this section you've looked at some challenging issues in negligence law. The case that follows fits into this category. Read it and answer the questions that come after it.

In the case of *ter Neuzen v. Korn* (1995), the plaintiff, Kobe ter Neuzen, and her husband were unable to have a child due to the husband's infertility. The plaintiff went to the clinic operated by the defendant, Dr. Korn, to be artificially inseminated. Unfortunately, she became infected with HIV (the virus that causes the disease AIDS) due to this insemination and sued Dr. Korn and his clinic for negligence. (She also sued under contract law, but this needn't concern you here). The case went to the Supreme Court of Canada in 1995.

2

- a. When the plaintiff was attending Dr. Korn's clinic (years before the case ended up in the Supreme Court), little was known of the risks that might be involved because the procedure was new. Do you think that this fact should have reduced Dr. Korn's liability as a doctor and a professional? Give clear reasons for your answer.

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1

- b. What precautions do you think should be used today to protect people like Ms. ter Neuzen?

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- ① c. Do you think the donor of the sperm that infected Ms. ter Neuzen should be sued in this situation? Explain why or why not.

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- ② d. If you were the judge of this case, explain what your decision would be on liability.

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5. Select an issue that is currently challenging legal experts in the area of negligence law. You may pick one of the issues discussed in this section or another issue that interests you and which you can investigate. Be sure the issue you select is, in fact, a negligence issue; consult with your teacher if you're in doubt. If the issue seems too big to deal with here, you may select a single aspect of it.

- ⑤ a. Explain what the issue is and point out why it presents challenges to legal experts. In your discussion be sure to point out conflicting viewpoints on the issue.

**Marking Criteria 5 marks**

- |  |         |
|--|---------|
| • An appropriate issue has been selected.  | 2 marks |
| • A clear, accurate, and precise explanation of the challenges presented is given. | 2 marks |
| • At least one conflicting viewpoint is presented.                                 | 1 mark  |

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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



5

- b. Now explain your views on the issue—in other words, how you think it should be resolved. Be careful to give reasons for your answer.

**Marking Criteria 5 marks**

- The student's views on how the issue should be resolved are clearly explained. 2 marks
- Sensible reasons are provided to defend those views. 3 marks

When you've finished answering the preceding questions, return to page 95 of the LGS 3040 Student Module Booklet and continue working where you left off.

6. In the final lesson of this section you did some research into a career or occupation related to civil litigation and created a job profile on it.

8

- a. Take the information you have in your profile and write up a short report on the occupation. Be sure to include all the information in your profile; feel free to add more if you wish.

If for some reason you weren't happy with the job you investigated in Lesson 4, you may certainly pick a different one, research it, do a profile on it, and write your report here.

### Marking Criteria 8 marks

- The report includes information on each box of the job profile. 3 marks
- The report gives evidence of adequate research. 3 marks
- The information in the report is clearly organized and presented. 2 marks

[illegible]





- ① b. Is this job one you'd enjoy doing? Would you be suited for it? Explain your answer in two or three sentences.

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- ① c. List the source or sources you used to research your chosen occupation.

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When you've finished answering the preceding questions, submit this Assignment Booklet for assessment. Then return to page 103 of the LGS 3040 Student Module Booklet and continue working where you left off.



## LEARNING TECHNOLOGIES BRANCH DISTANCE LEARNING STUDENT COURSE SURVEY

*After you have completed the assignments in this course, please fill out this survey. Your constructive comments will be greatly appreciated, as future course revisions can then incorporate any necessary improvements.*

*We encourage you to go to our website at [www.education.gov.ab.ca/lrb](http://www.education.gov.ab.ca/lrb) and complete and submit this survey electronically. If this is not possible, see the last page of the survey for other ways to submit the survey.*

Age (optional): ☐ under 16      ☐ 16 to 18      ☐ 19 to 40      ☐ over 40

School Where You Are Registered to Take This Course: \_\_\_\_\_

Course Name: \_\_\_\_\_ Date: \_\_\_\_\_

Course Copyright Year (See back cover.) \_\_\_\_\_

### Design

1. The recommended process for students is to work through the Student Module Booklet(s) as instructed and then complete the assignments when directed. Did you follow this process?

☐ Yes      ☐ No      If no, explain.

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2. The Student Module Booklet(s) contains a variety of self-assessed activities. Did you find it helpful to be able to check your work and have immediate feedback?

☐ Yes      ☐ No      If yes, explain.

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3. Were the questions and directions in the Student Module Booklet(s) easy to understand?

☐ Yes      ☐ No      If no, explain.

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4. Did you understand what was expected in the Assignment Booklets?

☐ Yes      ☐ No      If no, explain.

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5. The course materials were designed to be completed by students working independently. Were you always aware of what you had to do?

☐ Yes      ☐ No      If no, provide details.

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6. This distance learning course may have included an assortment of drawings, photographs, and charts.

a. Did you find the visuals in this course helpful?

☐ Yes      ☐ No      Comment on the lines below.

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b. Did you find the variety of visuals in this course motivating?

☐ Yes      ☐ No      Comment on the lines below.

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7. Suggestions for Internet use may be included in the course. Were these suggestions helpful?

☐ Yes      ☐ No      Comment on the lines below.

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8. Some activities may have called for the use of a course or textbook CD. Did you use such resources as instructed?

☐ Yes      ☐ No      Comment on the lines below.

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9. How did you submit your assignments?

☐ mail      ☐ fax      ☐ e-mail      ☐ drop off

10. The Student Module Booklet(s) may have directed you to work with your teacher or to consult with your teacher if you were having problems. How well did you work as a team?

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## Course Content

1. Was enough detailed information provided to help you learn the expected skills and objectives?

☐ Yes      ☐ No      Comment on the lines below.

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2. Did you find the workload reasonable?

☐ Yes      ☐ No      If no, explain.

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3. Did you have any difficulty with the reading level?

☐ Yes      ☐ No      Please comment.

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4. How would you assess your general reading level?

☐ poor reader      ☐ average reader      ☐ good reader

5. Was the material presented clearly and with sufficient depth?

☐ Yes      ☐ No      If no, explain.

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6. Was a textbook required for the course?

☐ Yes      ☐ No      If yes, explain where you got it. Did you have any problem getting it?

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## General

1. What did you like least about the course?

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2. What did you like most about the course?

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### Additional Comments

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**Only students enrolled with the Alberta Distance Learning Centre need to complete the remaining questions.**

1. Did you contact the Alberta Distance Learning Centre for help or information while doing your course?

☐ Yes      ☐ No      If yes, approximately how many times? \_\_\_\_\_

Did you find the staff helpful?

☐ Yes      ☐ No      If no, explain.

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2. Were you able to fax or e-mail any of your assignment response pages?

☐ Yes      ☐ No      If yes, comment on the value of being able to do this.

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3. If you mailed your assignment response pages, how long did it take for their return?

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4. Was the feedback you received from your correspondence or distance learning teacher helpful?

☐ Yes    ☐ No    Please comment.

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Thanks for taking the time to complete this survey. Your feedback is important to us. If you are mailing this survey, please use the address on the right. Or, you may e-mail or fax the survey, using the address or number below.

Learning Technologies Branch  
Box 4000  
Barrhead, Alberta  
T7N 1P4

E-mail: [ltbgeneral@gov.ab.ca](mailto:ltbgeneral@gov.ab.ca)  
Fax: (780) 674-6561

If you are enrolled at the Alberta Distance Learning Centre and will be mailing your Assignment Booklets to ADLC, you may return this survey with the final Assignment Booklet in the course.